

1 ORRICK, HERRINGTON & SUTCLIFFE LLP  
2 KAREN G. JOHNSON-MCKEWAN (SBN 121570)  
kjohnson-mckewan@orrick.com  
3 ANNETTE L. HURST (SBN 148738)  
ahurst@orrick.com  
4 GABRIEL M. RAMSEY (SBN 209218)  
gramsey@orrick.com  
5 405 Howard Street, San Francisco, CA 94105  
Tel: 1.415.773.5700 / Fax: 1.415.773.5759  
6 PETER A. BICKS (*pro hac vice*)  
pbicks@orrick.com  
7 LISA T. SIMPSON (*pro hac vice*)  
lsimpson@orrick.com  
8 51 West 52<sup>nd</sup> Street, New York, NY 10019  
Tel: 1.212.506.5000 / Fax: 1.212.506.5151  
9 BOIES, SCHILLER & FLEXNER LLP  
DAVID BOIES (*pro hac vice*)  
10 dboies@bsfllp.com  
333 Main Street, Armonk, NY 10504  
11 Tel: 1.914.749.8200 / Fax: 1.914.749.8300  
STEVEN C. HOLTZMAN (SBN 144177)  
12 sholtzman@bsfllp.com  
1999 Harrison St., Ste. 900, Oakland, CA 94612  
Tel: 1.510.874.1000 / Fax: 1.510.874.1460  
13  
14 ORACLE CORPORATION  
DORIAN DALEY (SBN 129049)  
dorian.daley@oracle.com  
15 DEBORAH K. MILLER (SBN 95527)  
deborah.miller@oracle.com  
16 MATTHEW M. SARBORARIA (SBN 211600)  
matthew.sarboraria@oracle.com  
17 RUCHIKA AGRAWAL (SBN 246058)  
ruchika.agrawal@oracle.com  
18 500 Oracle Parkway,  
Redwood City, CA 94065  
19 Tel: 650.506.5200 / Fax: 650.506.7117  
20 *Attorneys for Plaintiff*  
ORACLE AMERICA, INC.

21 UNITED STATES DISTRICT COURT  
22 NORTHERN DISTRICT OF CALIFORNIA  
23 SAN FRANCISCO DIVISION

24 ORACLE AMERICA, INC.  
25 v.  
26 GOOGLE INC.  
27 Defendant.

Case No. CV 10-03561 WHA  
**DECL. OF ANDREW D. SILVERMAN RE  
ORACLE'S RESPONSE TO GOOGLE'S MOT.  
TO STRIKE RE JAMES R. KEARL**  
Hearing: April 27, 2016, 8:00 a.m.  
Dept.: Courtroom 8, 19th Floor  
Judge: Honorable William H. Alsup

1 I, Andrew D. Silverman, declare and state as follows:

2 1. I am a member of the bars of the States of California, New York, and the District  
3 of Columbia, admitted to practice before this Court, and an associate with the law firm of Orrick,  
4 Herrington & Sutcliffe LLP (“Orrick”), attorneys of record for plaintiff Oracle America, Inc.  
5 (“Oracle”). I am familiar with the events, pleadings and discovery in this action and, if called  
6 upon as a witness, I could and would testify competently to the matters stated herein of my own  
7 personal knowledge.

8 2. I submit this declaration in support of Oracle’s Response to Google’s Motion to  
9 Strike Testimony of James R. Kearl.

10 3. Attached hereto as Exhibit 1 is a true and correct copy of the relevant excerpts of  
11 the Deposition of Gregory K. Leonard, dated March 11, 2016, which is filed tentatively under  
12 seal pursuant to the protective order.

13 4. Attached hereto as Exhibit 2 is a true and correct copy of the relevant excerpts of  
14 the Deposition of James R. Kearl, Ph.D., dated March 23, 2016, which is filed tentatively under  
15 seal pursuant to the protective order.

16 5. Attached hereto as Exhibit 3 is a true and correct copy of the relevant excerpts of  
17 the Deposition of Eric Schmidt, dated August 23, 2011, which is filed tentatively under seal  
18 pursuant to the protective order.

19  
20 I declare under penalty of perjury under the laws of the United States the foregoing is true  
21 and correct.

22 Executed this 8th day of April, 2016, at New York, NY.

23 */s/ Andrew D. Silverman*

24 Andrew D. Silverman

25

26

27

28